

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
ANEITA HENRY-LEE, individually and as the
ADMINISTRATRIX of the Goods Chattels and
Credits of PETER C. A. LEE, deceased,

Plaintiffs,

- against -

THE CITY OF NEW YORK, NEW YORK CITY
POLICE DEPARTMENT, POLICE OFFICER JOHN
BAUMEISTER (shield # 24846), POLICE OFFICER
MICHAEL INGRAM (shield # 1727), KEVIN
ROUGHNEEN (shield # 2942), JOHN DOE 1-10 (the
fictitious names of persons yet to be identified), JMR
REST CORP., d/b/a RORY DOLANS RESTAURANT
BAR, CITY OF YONKERS and YONKERS POLICE
DEPARTMENT,

Defendants.
-----X

**NOTICE TO
PRODUCE**

Docket No.: 08-cv-0089(DC)

Assigned to:
Hon. Denny Chin

PLEASE TAKE NOTICE that demand is hereby made upon plaintiff, ANEITA HENRY LEE, individually and as the Administratrix of the Goods, Chattels and Credits of PETER C. A. LEE, deceased, for discovery, inspection and copying of the following pursuant to Federal Rule 34, to deliver to the offices of **MARKS, O'NEILL, O'BRIEN & COURTNEY, P.C.**, 530 Saw Mill River Road, Elmsford, New York 10523, within twenty-days (20) days after service of this notice:

1. A duly executed HIPAA complaint authorization for plaintiff's autopsy report from the Westchester County Coroner's office;
2. Duly executed HIPAA compliant authorizations for any medical care providers who treated the plaintiff for a period of two years prior to the date of the incident that gives rise to this claim.

3. A duly executed authorization for employment records of any employments that the plaintiff decedent had for the two years up to and including the date of the incident that gives rise to the claim.

4. A duly executed authorization and the required supporting documentation permitting the defendant to obtain plaintiff decedent's income tax returns for the period of 2004 through 2007.

5. Copies of any canceled checks, wired transfer confirmations, money orders or other transfer documentation supporting any claim that the plaintiff decedent supported any distributees of his Estate, who will assert a claim for pecuniary loss, as a result of the incident giving rise to this claim.

PLEASE TAKE FURTHER NOTICE, that in lieu of producing the items demanded herein, the plaintiffs may submit to the undersigned, true and conformed copies of the items demanded herein at any time prior to the aforesaid date.

PLEASE TAKE FURTHER NOTICE, that upon your failure to produce the aforesaid items at the time and place required in this notice, a motion will be made for the appropriate relief to this Court.

Dated: Elmsford, New York
May 29, 2008

By: _____
James M. Skelly (4844)

**MARKS, O'NEILL, O'BRIEN
& COURTNEY, P.C.**
Attorneys for Defendant
**JMR REST CORP., d/b/a RORY
DOLANS RESTAURANT BAR**
530 Saw Mill River Road
Elmsford, New York 10523
(914) 345-3701
File No.: 495.81515

TO: **THE ADAM LAW OFFICE, P.C.**
Attorneys for Plaintiffs
ANEITA HENRY-LEE, individually and as
the ADMINISTRATRIX of the Goods Chattels
and Credits of PETER C. A. LEE, deceased
275 Madison Avenue - Suite 1100
New York, New York 10016
(212) 661-8780

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(212) 788-0499

CORPORATION COUNSEL, CITY OF YONKERS
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CITY OF YONKERS and YONKERS POLICE DEPARTMENT
City Hall, 40 South Broadway
Yonkers, New York 10701
(914) 377-6256

AFFIDAVIT OF SERVICE BY MAIL

STATE OF NEW YORK)
 : ss.:
COUNTY OF WESTCHESTER)

MARTHA AGIS, being duly sworn, deposes and says: deponent is not a party to this action, is over 18 years of age and resides in Pearl River, New York.

On the 29th day of May, 2008 deponent served the within **NOTICE TO PRODUCE** upon the parties herein stated below, by depositing and mailing same in a sealed envelope, with postage prepaid thereon, in an official depository of the U.S. Postal Service within the State of New York, at the following addresses:

TO: **THE ADAM LAW OFFICE, P.C.**
Attorneys for Plaintiffs
**ANEITA HENRY-LEE, individually and as
the ADMINISTRATRIX of the Goods Chattels
and Credits of PETER C. A. LEE, deceased**
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Attorneys for Defendants
CITY OF YONKERS and YONKERS POLICE DEPARTMENT
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Yonkers, New York 10701
(914) 377-6256

MARTHA AGIS

Sworn to before me on the
29th day of May, 2008.

NOTARY PUBLIC

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